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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/207,694 12/08/98 HAMILTON

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EXAMINER

SINGH, D

ART UNIT

PAPER NUMBER

2633

DATE MAILED:

04/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/207,694

Applicant(s)

HAMILTON, T. ALLAN

Examiner

Dalzd Singh

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d):
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 17) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other:

Art Unit: 2633

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed February 20, 2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there are no such documents submitted. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feng (US Patent No. 6,175,434).

Regarding claims 1 and 10, Feng discloses an adaptive wireless communication system comprising:

Art Unit: 2633

a detector (i.e., photodiode) for detecting the signal (see col. 3, lines 29-30);

a selector for selecting one of the configuration (see col. 4, lines 16-20);

a stack (i.e., protocol) group (see col. 7, lines 3-8);

Feng differs from this claim in that Feng does not specifically disclose an application group. However, in col. 7, lines 18-22, Feng discloses the use of software to changed content of the word. It appears that this is the application group. Since the use of multiple protocols and application is well known, therefore it would have been obvious for an artisan of ordinary skill at the time of the invention to provide multiple protocols (i.e., stack group) and multiple application (i.e., application group) in order to optimize communication between multiple devices.

Regarding claims 2 and 11, Feng discloses the communication system is optimized by selecting proper configuration (col. 2, lines 34-38).

Regarding claims 3 and 12, as discussed in col. 4, lines 1-37, it would have been obvious that the initial communication is defined by enabling a default application and protocol (i.e., stack), since communication of the system is based on protocol and application.

Regarding claims 4 and 13, it appears that the communication system of Feng reset itself upon powered-up (after cessation), see col. 6, lines 44-46.

Regarding claim 5, Feng discloses an adaptive wireless communication system comprising:

a selector for selecting one of the configuration (see col. 4, lines 16-20);

Art Unit: 2633

a stack (i.e., protocol) group (see col. 7, lines 3-8);

Feng differs from this claim in that Feng does not specifically disclose an application group. However, in col. 7, lines 18-22, Feng discloses the use of software to changed content of the word. It appears that this is the application group. Since the use of multiple protocols and application is well known, therefore it would have been obvious for an artisan of ordinary skill at the time of the invention to provide multiple protocols (i.e., stack group) and multiple application (i.e., application group) in order to optimize communication between multiple devices. Furthermore, since the communication system of Feng discloses an adaptive configuration, it would have been obvious to upgrade the protocol (stack) in order to optimize communication with other devices.

Regarding claim 6, Feng discloses that the detector is querying for configuration (see col. 6, lines 44-51).

Regarding claims 7-9, Feng differs from these claims in that Feng does not specifically disclose that the decoder has an upgrade enabling. However, since there are multiple protocol or application to be used, therefore it would have been obvious to have an upgrade enabling on the transmitter and receiver in order to optimize communication of different devices.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carlsson et al (US Patent No. 5,970,408) is cited to show

Art Unit: 2633

communication control circuitry and method for a group of commonly-moving mobile transceiver units.

Doshi et al (US Patent No. 6,041,051) is cited to show method and apparatus enabling multiple access for multiple services and multiple transmission modes over broadband communication network utilizing an adaptive digital access protocol.

Ayanoglu et al (US Patent No. 5,822,309) is cited to show signaling and control architecture for an AD-HOC ATM LAN.

Carlton (US Patent No. 5,335,105) is cited to show high speed communications interface protection system.

Thompson et al (US Patent No. 5,335,276) is cited to show communication system and methods for enhanced information transfer.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is 703-306-5619. The examiner can normally be reached on Mon-Fri 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4729. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6296 for regular communications and 703-308-9051 for After Final communications.

Art Unit: 2633

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Dalzid Singh
April 6, 2001

Leslie Pascal
LESLIE PASCAL
PRIMARY EXAMINER